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March 6, 2025

VIA ECF

Hon. Ona T. Wang
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *The New York Times Company v. Microsoft Corp. et al.*, Case No. 23-cv-11195-SHS; *Daily News, LP et al. v. Microsoft Corp. et al.*, Case No. 24-cv-3285-SHS

Dear Magistrate Judge Wang:

I write on behalf of Plaintiffs Daily News, LP et al. (“Daily News”) and The New York Times Company (“The Times”) (collectively “Plaintiffs”) regarding OpenAI’s letter motion seeking a protective order prohibiting disclosure of OpenAI Confidential Information to Dr. Ricardo Baeza-Yates, one of Plaintiffs’ experts. *See* [Dkt. 163](#).¹ On October 16, 2024, OpenAI filed its letter motion seeking a protective order, [Dkt. 163](#), and on October 22, 2024, Plaintiffs filed their opposition, [Dkt. 172](#).² The Court heard argument from both parties during the December 3, 2024 status conference, and took the motion under advisement. *See* December 3, 2024, Hearing Tr. at 97:15-16. In an effort to resolve this dispute without further Court intervention, the parties have since met and conferred on this issue but remain at an impasse.

For the reasons stated in Plaintiffs’ October 22, 2024 opposition, Plaintiffs respectfully request that the Court deny OpenAI’s letter motion seeking a protective order prohibiting disclosure of OpenAI Confidential Information to Dr. Ricardo Baeza-Yates. Plaintiffs seek to consult with Dr. Baeza-Yates concerning OpenAI documents for the ongoing inspection of

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¹ All docket numbers referenced herein are to the docket in *Daily News, LP et al. v. Microsoft Corp. et al.*, Case No. 24-cv-3285.

² While OpenAI’s objection is directed to the *Daily News* Plaintiffs, The New York Times Company also disclosed Dr. Baeza-Yates as an expert under the protective order and joined in this opposition at [Dkt. 271](#) in *The New York Times Company v. Microsoft Corp. et al.*, Case No. 24-cv-11195.

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OpenAI's source code and in preparation for upcoming fact depositions of OpenAI's witnesses. However, Plaintiffs cannot do so unless they can share OpenAI's Confidential Information with Dr. Baeza-Yates. Plaintiffs ask that the Court rule on this issue at its earliest convenience so that Plaintiffs may begin to provide such materials to Dr. Baeza-Yates.

March 6, 2025

Respectfully submitted,

/s/ Steven Lieberman
Steven Lieberman

/s/ Ian B. Crosby
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cc: All Counsel of Record (via ECF)